

Text Amendments to 310 CMR 4.00

Amendments to 4.03 page 73 and 74

4.03: Annual Compliance Assurance Fee

(1) General.

(a) Annual compliance assurance fees shall be payable by all permittees in the categories identified in 310 CMR 4.03(2), in the amounts set forth in 310 CMR 4.03(2). Agencies of the Commonwealth shall be exempt from annual compliance assurance fees. For the purpose of M.G.L. c. 21E, § 3B, permittee shall also refer to persons, excluding agencies of the Commonwealth, who are performing response actions at sites, or have been issued a final order to perform, or have been assessed a penalty for failure to perform, such response actions.

4.03: continued

(b) A permittee with more than one permit shall pay the fee indicated for each such permit, except as otherwise provided in 310 CMR 4.03(2). Such fees shall be payable in each commonwealth fiscal year for each such permit. For permits issued after January 1, 1991, other than permit renewals, modifications or amendments, or other changes in permit status or categories, no annual compliance assurance fee shall be assessed for that permit in the fiscal year in which the permit is issued, except as otherwise provided in 310 CMR 4.03(2), or unless the fee is established pursuant to 310 CMR 4.05. For fiscal year 1991, the category to which each permit belongs shall be determined based on the formal status as shown by Department records of the permit as of December 1, 1990, except as provided in 310 CMR 4.03(8)(c). In subsequent fiscal years, the category to which each permit belongs shall be determined based on the formal status in Department records of the permit as of the beginning of that fiscal year on July 1st, except as provided in 310 CMR 4.03(8)(c). Annual compliance fees for permits issued in accordance with 310 CMR 4.05 shall be established as provided.

(c) Notwithstanding 310 CMR 4.03(1)(b), annual compliance assurance fees pursuant to M.G.L. c. 21E shall be assessed on a billable year basis. The billable year ends on the annual status date for a site. The first status date shall be determined as follows:

1. For sites where release notification is submitted to the Department on or after October 1, 1993, the first status date shall be the 12 month anniversary date of the oral or written date of release notification, whichever is earlier, or, effective February 24, 1995, the earliest date computed in accordance with 310 CMR 40.0404(3).
2. For sites identified prior to October 1, 1993 and existing in Department records pursuant to 310 CMR 40.0600: *Transition Provisions*, as formerly in effect, the first status date shall be the 12 month anniversary date of the first required submittal pursuant to said 310 CMR 40.0600: *Transition Provisions*; and effective November

18, 1994, the first status date shall be the date of the first required submittal or as specified in said 310 CMR 40.0600: *Transition Provisions*, whichever is earlier.

3. Notwithstanding 310 CMR 4.03(1)(c)1., effective February 24, 1995, the first status date for each site classified as Tier IB pursuant to 310 CMR 40.0520(2)(d) as formerly in effect shall be February 24, 1995.

(d) Notwithstanding 310 CMR 4.03(1)(b), the classification and category assigned to each M.G.L. c. 21E site shall be determined based on the formal status as shown by Department records of the site as of that site's status date, except as provided in 310 CMR 4.03(8)(c), and effective November 3, 1995, except as provided in 310 CMR 40.0008(4): *Determining Date of Receipt of Document submitted to the Department*.

(e) Notwithstanding 310 CMR 4.03(1)(b), annual compliance assurance fees pursuant to M.G.L. c. 21E shall be payable for each billable year until and including the year that a Permanent Solution is achieved and a Permanent Solution Statement is filed for the entire site pursuant to 310 CMR 40.1000: *Permanent and Temporary Solutions*, or a Downgradient Property Status submittal is filed pursuant to 310 CMR 40.0180: *Downgradient Property Status*.

(f) Notwithstanding 310 CMR 4.03(1)(b), annual compliance assurance fees shall be assessed pursuant to M.G.L. c. 21E as of the first status date as defined in 310 CMR 4.03(1)(c) or alternative status date established by the Department pursuant to 310 CMR 40.0501(2)(b), 40.0570: *Requirements for Eligible Persons, Eligible Tenants or Other Persons seeking to Re-establish Response Action Deadlines*, or 40.0601: *Scope and General Provisions*, as formerly in effect, in each billable year, including any year in which a permit application fee is paid.

(g) Notwithstanding 310 CMR 4.03(1)(c), when multiple sites are combined under a single Tier Classification, the status date of all of the sites subject to the Tier Classification shall be the earliest applicable status date, unless the Department establishes an alternative status date. When a Special Project Designation permit includes more than one site, the status date for all the sites shall be the earliest applicable status date unless the Department establishes an alternative status date.

(h) Notwithstanding 310 CMR 4.03(1)(b), a facility with multiple air quality permits shall pay the single highest applicable annual compliance assurance fee. Effective June 27, 2005.

(i) Notwithstanding 310 CMR 4.03(1)(b), annual compliance assurance fees shall be payable in the same fiscal year as filing of a required Environmental Results Program self certification. The status date shall be the date required for the filing of that fiscal year's certification.

(j) Notwithstanding 310 CMR 4.03(1)(b), a surface water discharger with multiple surface water permits shall pay the single highest applicable annual compliance assurance fee.

(k) Notwithstanding 310 CMR 4.03(1)(b), the Mercury-added Lamp Registration: annual registration fee, shall be payable in the same calendar year as the submittal of the annual registration pursuant to 310 CMR 75.05(3)(a).

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HAZARDOUS WASTE

\$3,450	Land disposal facility closure, effective August 8, 2013
\$10,365	Treatment, storage or disposal facility, effective August 8, 2013
\$3,880	<u>Large Quantity Generator</u> excluding dry cleaner, photo processor, and printer certifiers pursuant to 310 CMR 70.00: <i>Environmental Results Program Certification</i> , effective August 8, 2013
\$645	<u>Small Quantity Generator</u> excluding dry cleaner, photo processor, and printer certifiers pursuant to 310 CMR 70.00: <i>Environmental Results Program Certification</i> , August 8, 2013
\$3,880	Level III recycling facility, effective August 8, 2013

Set by Equation Mercury-added Lamp Manufacturer Registration: annual registration fee. Effective (Insert Date) through June 30, 2024, required for any mercury-added lamp manufacturer subject to 310 CMR 75.05. The fee is based upon mercury-added lamp sales reported on the annual registration form. Where A is the number of mercury-added lamps reported by the manufacturer and B is the sum of all mercury-added lamps reported by all manufacturers and where M is the total number of manufacturers reporting pursuant to 310 CMR 75.05, and the administrative base fee is \$100, the fee shall be calculated in accordance with the following equation:
(1) $\$100 + [(A/B) \times \$300,000 - (\$100 \times M)]$ with a maximum fee of \$10,000, unless;
(2) The sum of all individual manufacturers' fees as calculated in (1) is less than \$300,000, the fee will then be recalculated utilizing the formula under (1) but without the \$10,000 maximum.

SOLID WASTE

\$1,700	<u>Recycling and Organics Management Operation: with RCC Permit pursuant to 310 CMR 16.05: <i>Permit for Recycling, Composting or</i></u>
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Conversion (RCC) Operations, excluding an organic material only transfer operation that is permitted to receive no more than two

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(11) Environmental Results Program

(b) (ERP02) Permits for Dental Mercury Amalgam Recycling.

1. Category: Certification of Dental Mercury Amalgam Collection and Recycling.
2. Description: Certification of dental facilities and practices subject to collection and recycling dental mercury amalgam pursuant to 310 CMR 70.00: *Environmental Results Program Certification* and 73.00: *Amalgam Wastewater and Recycling Regulations for Dental Facilities*, but excluding dental facilities and practices filing one-time certifications pursuant to 310 CMR 73.03(1) to establish their exemption from the provisions of 310 CMR 70.00: *Environmental Results Program Certification* and 73.00: *Amalgam Wastewater and Recycling Regulations for Dental Facilities*.
3. Schedule for timely action: for projects for which application is filed and fee received on or after March 24, 2017,
 - a. Within 48 days of receipt of an application and payment of the application fee, the Department shall complete an administrative and technical review.
 - b. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any,
 - c. Within 48 days of receipt of materials in response to the Department's statement identifying deficiencies, the Department shall complete a final review.
4. Permit application fee: \$200

~~(c) (ERP03) Permits for Mercury-added Lamp Manufacturer Education Plans~~

- ~~1. Category: Certification of Mercury-Added Lamp Manufacturer Education Plans.~~
- ~~2. Description: Certification of Mercury-Added Lamp Manufacturer Education Plan pursuant to 310 CMR 70.00: *Environmental Results Program Certification* and 310 CMR 75.05(5).~~
- ~~3. Schedule for timely action: for projects for which application is filed and fees received on or after March 24, 2017,~~
 - ~~a. Within 60 days of receipt of an application and payment of the application fee, the Department shall complete an administrative and technical review.~~
 - ~~b. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any,~~
 - ~~c. Within 60 days of receipt of materials in response to the Department's statement identifying deficiencies, the Department shall complete a final review.~~
- ~~4. Permit application fee: \$135.~~

(d) (ERP04) Permits for Mercury-added Product Collection and Recycling Programs

1. Category: Certification of Mercury-added Product Collection and Recycling Programs.
2. Description: Certification of mercury-added product manufacturer product collection and recycling program subject to product collection and recycling requirements pursuant to 310 CMR 70.00: *Environmental Results Program Certification* and 75.04(9): *Annual Compliance Certification*—~~and excluding certifications pursuant to 310 CMR 75.05(5).~~
3. Schedule for timely action: for projects for which application is filed and fees received on or after March 24, 2017,
 - a. Within 60 days of receipt of an application and payment of the application fee, the Department shall complete an administrative and technical review.
 - b. The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any,
 - c. Within 60 days of receipt of materials in response to the Department's statement identifying deficiencies, the Department shall complete a final review.
4. Permit application fee: \$160.